

REMARKS

This Amendment is in response to the Office Action dated December 12, 2005 in which claims 1-12 and 24-30 were initially rejected, claims 13-23 were allowed and claims 27-30 were indicated as being allowable if rewritten in independent form. Applicant respectfully requests reconsideration and allowance of all rejected claims in view of the above-amendments and the following remarks.

I. INFORMATION DISCLOSURE STATEMENT

The Information Disclosure Statement mistakenly included STL 10927.01 in the "U.S. Patent Documents" section of the statement instead of the "Non-Patent Documents" section. As a result, the Examiner indicated that this reference would not be considered.

Accordingly, enclosed is a Supplemental Information Disclosure Statement listing STL 10927.01 as a "Non-Patent" document. No addition fees are believed to be due since this reference has already been submitted within the appropriate time period.

II. CLAIM REJECTIONS UNDER §102

Claims 1-2, 5-12 and 24-25 were rejected under §102(e) as being anticipated by U.S. Pre-Grant Publication No. 2004/0215885 (Cargnoni).

Claims 1 and 24 are independent claims. The Office Action indicated that dependent claim 30 would be allowable if rewritten in independent form. Concepts from dependent claim 30 are added to independent claims 1 and 24. However in amended claims 1 and 24, the storage locations are not limited to sectors on a data storage disc as in claim 30. In any case, Cargnoni et al. do not disclose the method recited in independent claim 1 or the data storage device recited in independent claim 24, wherein the specified storage location is one or a plurality of storage locations that are each allocated a predetermined quantity of

storage capacity, and wherein the data packet comprises a quantity of data bytes that is at less than a quantity of data bytes that may be stored in the predetermined quantity of storage capacity.

With the amendments to independent claims 1 and 24, Applicant respectfully requests that the rejection of these claims and their respective dependent claims under §102(e) be withdrawn.

III. CLAIM REJECTION UNDER §103(a)

Claims 3, 4 and 26 were rejected under §103(a) as being unpatentable over the Cargnoni et al. Publication in further view of Becker et al., U.S. Patent No. 6,598,119.

Even if the disclosures of Cargnoni et al. and Becker et al. were combined as suggested in the Office Action, the resulting combination would still fail to teach or suggest the inventions recited in claims 3, 4 and 26 (as dependent on independent claims 1 and 24, respectively) for the reasons discussed above. Applicant therefore respectfully requests that the rejection of these claims under §103(a) be withdrawn.

IV. NEW CLAIMS

New claims 31-34 are presented for consideration. New claim 31 depends from independent claim 24, and is allowable with the allowance of claim 24.

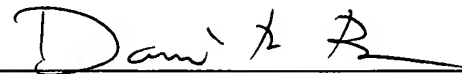
New independent claim 32 substantially corresponds to a original claim 27, re-written in independent form to include the limitations of original claim 24. Since claim 27 was indicated as being allowable, new claim 32 should be in condition for allowance.

Finally, new claims 33-34 are presented for consideration and have features that are similar to the features added to independent claim 1.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 
David D. Brush, Reg. No. 34,557
Suite 1400 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

DDB:tkj